IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10278 OF 2004

M/s. Poly Petro-Chem Pvt. Ltd. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. V.A. Thorat, Sr. Advocate with Mr. Prakash M. Shah for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent State.

CORAM : F.I. REBELLO &
MRS ROSHAN DALVI.JJ.
DATED : DECEMBER 21, 2005

P.C.

. Rule. Heard forthwith.

. By the present petition, the Petitioner impugns the order of the Additional Collector, Pune dated 22.1.2004 whereby the Additional Collector, Pune cancelled the Naptha licence No. 3/2001 and Solvent Licence No. 28 of 2003 of the Petitioner herein. That was cancelled on the ground that the Petitioner had not produced the end use certificate or the same has not been made available to the checking officer and consequently that the four companies named therein to whom the products were

sold by the Licence holder were found tobe non functioning at the above mentioned address during the course of the official checking. An appeal was preferred aginst the said order. That appeal came to be disposed of by order dated 28.5.2004. In so far as first ground was concerned, the Petitioner tried to produce the documents in respect of the end user. The same was rejected on the ground that they cannot have been produced in the revision but had to be made available to the officers concerned. In so far as four companies are concerned, the appellate Authority concurred with the findings of the Addition Collector, Pune.

. Before us, the report of the investigation which was carried out has been produced and that would indicate that the police has interrogated one Arvind Ukeari who has claimed that he is concerned with all the four companies as proprietor. On behalf of the Petitioner, the learned counsel has placed the material before us to show that in fact the said four companies are subsisting.

. We do not intend to go into that controversy.

Suffice it to say that the material which is available would indicate that at least prima facie the four companies are existing though their names may not be found at the address as set out in the order of Additional Collector Pune. Considering the above, the ends of justice will be met if the following order is passed :

. The impugned orders of the Additional Collector and the Appellate Authority are set aside. The matter is remanded back to the Additional Collector for re hearing the parties according to law. It will be open to the Petitioners to produce all material which they have with them before the Additional Collector and to consider the same and thereafter to pass appropriate orders within the period of four months from today.

. Considering the above, we do not propose to consider other prayer Clauses at this stage. In the light of that, petition disposed of accordingly.

(F.I. REBELLO,J.)

(MRS. ROSHAN DALVI,J.)